There being no objection, the editorial ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 8, 1998]

THE TEST BAN AND ARMS CONTROL

An early Senate vote on funds for implementation of the comprehensive nuclear test ban treaty indicates that the two-thirds majority needed to ratify the test ban may be lacking. There would be some votes from the Republican majority for a treaty, but at this moment the dominant blocking position of the party leadership looks strong. The evident resistance to ratification is attributed not simply to dissatisfaction with some of the treaty's terms—there isn't all that much dissatisfaction—but to a fundamental and wrongheaded quarrel with the premises of arms control itself.

Modern arms control was invented during the Cold War to restrict the nuclear armories of the then-two great powers and, if not to bring something deserving of the name of peace between them, then to lessen the risks and costs of their preparing for nuclear war. There were ups and downs, and their ultimate worth can be argued, but there is no denying that at a certain point Ronald Reagan demolished arms control as everyone had known it.

From being a policy aimed at producing nuclear parity or stalemate in a condition of reduced but continuing political hostility, arms control became under President Reagan a bold program to end Soviet-American nuclear competition and beyond that, to close out the Cold War itself by seeing to the transformation of the Soviet Union. Many other hands, especially Mikhail Gorbachev's, shared in this task. But Ronald Reagan was a leading contributor to the different state of affairs we enjoy with Russia to this day.

Since the Cold War's demise, the urgency has gone out of classical arms control. The United States, far from deterring Russia and preserving a balance of terror, is helping Russia dismantle its excessive and expensive nuclear capability, concentrating on the specter of ''loose nukes''—weapons under uncertain official control and vulnerable to private theft and misuse. Still, the weapons that most trouble the United States and Russia are those in the hands, or in the aspirations, of third countries. Nonproliferation or counter-proliferation is at the heart of post-Cold War arms control.

This is the context in which the comprehensive test ban treaty, which was decades in the making, finally was signed earlier this year. This arms-control perennial had changed from being a check on Russian and American arms programs into a restraint on the spread of weapons of mass destruction among assorted regimes around the world. This is the test ban's 21st century mission: to give the multitude of nations an additional lever with which to press Iran and Iraq, North Korea, India, Pakistan and Israel—and rogues elsewhere—to abandon or slow their nuclear urges.

Leading Senate Republicans perversely persist in blaming the test ban, and by extension the whole updated post-Cold War framework of arms control, for nuclear and chemical and other programs being pursued by various countries. These naive senators seem to believe that arms-control measures are magically self-enforcing. They fail to understand that the signatories of arms-control agreements must take upon themselves the burdens of observing their terms and of enforcing compliance to others' formal pledges of self-denial. If the signatories fall short, the responsibility falls on them, not on the agreements.

The senators also profess to rely on American power and American technology alone—especially on a new national missile defense—to ensure the security of the United States. Such a missile defense is in the works, but questions remain about its strategic purpose, efficacy and cost. The pace of pondering these questions has itself become a sharp political issue. Meanwhile, some senators carelessly would throw away the increments to American security that could be added by cooperation with other friendly countries in matters such as the chemical weapons treaty, the nuclear nonproliferation treaty and the test ban.

These are imperfect instruments, but they are capable of serving American requirements well. Even if a missile defense of minimal cost, deadly accuracy and reliability were ready today, which it is not, those instruments would strengthen the American position in the world.

THE PROPOSED UNANIMOUS CONSENT AGREEMENT FOR REPUBLICAN JUVENILE CRIME BILL, S. 10

Mr. LEAHY. Mr. President, last Thursday, after Senators had been informed that there would be no more votes that day and after I had already headed for home to Vermont, Republicans came to the floor to propose a narrow procedural device in connection with the Republican juvenile crime bill, S.10.

No one had advised me that the Senate Republican leadership planned to proceed to S.10 on Thursday. After a year of inaction on this bill—which was voted on by the Judiciary Committee in July 1997—the Republicans did not even seek a response to their proposal. Instead, they rushed to the floor in ambush fashion.

The failure of this Congress to take up and pass responsible juvenile crime legislation does not rest with the Democrats, and no procedural floor gimmick by the Republican majority can change that fact.

Over the past year, I have spoken on the floor of the Senate and at hearings on several occasions about my concerns with this legislation. At the same time, I have expressed my willingness to work with the Chairman in a bipartisan manner to improve this juvenile crime bill.

I am not alone in my criticisms and in wanting to see changes in this bill. It has been blasted by virtually every major newspaper in the United States. The Philadelphia Inquirer concluded that the bill ''is fatally flawed and should be rejected.'' The Los Angeles Times described the bill as ''peppered with ridiculous poses and penalties'' and as taking a ''rigid, counterproductive approach'' to juvenile crime prevention. The St. Petersburg Times called the bill ''an amalgam of bad and dangerous ideas.''

The bill has also been criticized by national leaders ranging from Chief Justice Rehnquist to Marian Wright Edelman, President of the Children's Defense Fund.

In May, the Chief Justice criticized S.10 because it would ''eviscerate this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary.'' Earlier in the year, the Chief Justice raised concerns about ''federalizing'' certain juvenile crimes, noting that ''federal prosecutions should be limited to those offenses that cannot and should not be prosecuted in the state courts.''

The National District Attorneys Association (NDAA) and other law enforcement agencies have also written me with their concerns about this bill. In May, William Murphy, President of the NDAA, expressed NDAA's serious concerns about parts of S.10, including the fact that ''S.10 goes too far'' in changing the ''core mandates'' which have kept juveniles safer and away from adults while in jail for over 25 years. Mr. Murphy also criticized S.10's new juvenile record keeping requirements as ''burdensome and contrary to most state laws.'' He further noted that S.10 failed to provide ''any lee way to give juveniles a second chance by providing for the option to seal or expunge records.''

I have also heard from numerous State and local officials across the U.S., including the National Governors' Association, the Council of State Governments (Eastern Regional Conference), the U.S. Conference of Mayors, the National Association of Counties and the National Conference of State Legislatures. All of them have expressed concerns about the restrictions this bill would place on their ability to combat and prevent juvenile crime effectively. Last June, the President of the National Conference of State Legislatures cautioned that the new mandates placed on the States by S.10 could ''imbalance the constitutionally designed relationship between the federal government and the states.''

He further noted that ''[s]tates handle crime in a more flexible and more responsive manner than the federal government'' and urged the Senate not to impose a single ''federal 'fix' upon all fifty states and the territories.''

In short, S.10 as reported by the Judiciary Committee is a bill laden with problems—so much so that, at last count, the bill has lost a quarter of its Republican cosponsors since introduction.

The unanimous consent agreement proposed by the Republicans would limit debate of juvenile justice and other crime matters. Ironically, it would permit the Republicans to offer a substitute to their own bill, but not allow Democrats the same opportunity. The only additional amendments in order under their plan would be five on each side.

When the Judiciary Committee Chairman indicated on the floor that the minority has had the text of the proposed Hatch-Sessions substitute for ''well over a month,'' he was incorrect. In fact, we only got a copy of the substitute on the same day that the Republicans proposed their unanimous

consent agreement and had not had an opportunity to review it.

While I appreciate that we are short of time in this Congress and that, consequently, the Republican leadership would like to limit the number of amendments the Democrats may offer, I must point out that the Hatch-Sessions substitute alone contains substantial changes to over 160 separate paragraphs of this reported bill.

While I do not believe that Democrats will have close to 160 additional amendments to the bill, I believe that we will want to offer more than five.

We are continuing to pare down the amendments that Democrats plan to offer to S.10 to address the substantial criticisms leveled at this bill. We are continuing to negotiate in good faith on a unanimous consent agreement to ensure that Senate consideration of this legislation is fair, full and productive. The attempted ambush at the outset of this process, however, suggests that the Republican leadership is more interested in placing blame for its inaction than in actually moving to consideration of the bill.

BOSTON UNIVERSITY SCHOOL OF MEDICINE CELEBRATES 150 YEARS

Mr. KENNEDY. Mr. President, I rise today to pay tribute to Boston University School of Medicine on its 150 anniversary. The School of Medicine has a long and distinguished history, and I am proud to join in paying tribute to its remarkable leadership for the city of Boston and the nation.

Boston University School of Medicine was founded in 1848 as the New England Female Medical College, and was the first institution in the world to offer medical education to women. In 1864, the school graduated its first African-American female physician, Rebecca Lee. In 1873, Boston University merged with the New England Female Medical College to establish a co-educational School of Medicine.

In addition to being the first medical school to graduate women, Boston University School of Medicine was also the first school to establish Home Medical Services, an educational and patient care service that continues today. The School of Medicine has constantly introduced innovations in medical education and played a central role in developing the Boston University School of Public Health.

Down through the years, Boston University School of Medicine has provided outstanding service to our community. It is renowned for its clinical care and its professional training in a vast network of affiliated hospitals including Boston Medical Center, community health centers, and physicians' offices. In 1995, this commitment to service earned the school the Association of American Medical College's Outstanding Community Service Award.

Mr. President, I congratulate Boston University School of Medicine on its 150 years of excellence, and I know that its outstanding tradition, professional commitment, and community service will continue in the years ahead.

CORRECTIONS TO THE LIST OF OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1999 INTERIOR APPROPRIATIONS BILL

Mr. MCCAIN. Mr. President, yesterday I submitted a list of objectionable provisions in the FY'99 Interior Appropriations bill for the RECORD. I wish to make two clarifications to that list which came to my attention.

First, I learned that the Navajo Indian Irrigation Project was not requested for a funding level of more than $97 million. Instead, the allocated amount for the NIIP project was equal to the requested level of $25.5 million, but this information was not clear in the committee bill. I removed this item from my list of objectionable provisions.

Second, two separate listings for the removal of the Elwha dam removal project were requested for funding, based on its authorization in P.L. 102–495. These items should not have been listed as objectionable according to my established ''pork criteria.'' These two items are removed from the list: (1) $29,500,000 for the purchase of the Elwha Project and Glines Canyon Project; and, (2) $2,000,000 for planning and design, removal of Elwha Dam in Olympic National Park, WA.

I wish to thank the individuals who brought these matters to my attention and for providing the necessary information to clarify this mistake.

Mr. President, I wish to state that the revised total amount of $222.4 million included in this bill still represents an inordinately high level of wasteful spending. I sincerely hope that we will do better by the American people with stricter fiscal spending that abides by the appropriate legislative process.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 6:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1379. An act to amend section 552, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclosure Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 2183. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

H.R. 3682. An act to amend title 18, United States Code, to prohibit taking minors across State lines to avoid law requiring the involvement of parents in abortion decisions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6671. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation entitled ''The Department of Agriculture Working Capital Fund Act''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6672. A communication from the Secretary of the Judicial Conference of the United States, transmitting a draft of proposed legislation regarding the restructuring of the District Court of the Virgin Islands as an Article III court; to the Committee on the Judiciary.

EC–6673. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, a Review Panel report regarding a settlement in the case of Menominee Indian Tribe of Wisconsin v. The United States (Docket 93–649X); to the Committee on the Judiciary.

EC–6674. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, a Review Panel report regarding the case of Inslaw, Inc. v. The United States (Docket 95–338X); to the Committee on the Judiciary.

EC–6675. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled ''The Threat Protection for Former Presidents Act''; to the Committee on the Judiciary.

EC–6676. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modification of Significant New Use Rules for Certain Substances'' (FRL6019–2) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6677. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection